

## Article - Public Utilities

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§17-603.

(a) (1) The Commission shall appoint the inspector general.

(2) (i) The Commission shall select the inspector general:

1. solely on the basis of professional ability and personal integrity; and

2. without regard to political affiliation.

(ii) The inspector general shall be qualified professionally by experience or education in auditing, government operations, or financial management.

(3) The Commission shall select the inspector general from a list of recommended candidates prepared by the appointment committee under subsection (b) of this section by an affirmative vote of not less than four commissioners.

(b) (1) The Commission shall establish an appointment committee whenever the position of inspector general is vacant.

(2) The appointment committee shall review potential candidates for appointment as inspector general and shall recommend candidates to the Commission.

(3) (i) The appointment committee consists of:

1. one commissioner from Montgomery County;

2. one commissioner from Prince George's County;

3. one member of the public selected by the Montgomery County Council; and

4. one member of the public selected by the Prince George's County Council.

(ii) A member of the appointment committee who is a member of the public shall possess:

1. advanced education and experience in the management of governmental entities that are comparable to the Commission in scope and complexity;

2. demonstrated knowledge and experience in the application of:

A. generally accepted government auditing standards; and

B. internal control systems; and

3. an understanding of the appropriate functions of an appointment committee.

(iii) A member of the appointment committee who is a member of the public may possess demonstrated knowledge and experience in the application of:

1. sustainable financial management practices for public entities; and

2. public accountability.

(iv) A member of the appointment committee who is a member of the public may not have any other business or close personal relationships with the Commission or its officers, managers, or employees.

(4) (i) The appointment committee shall initially prepare a list of at least three and not more than six candidates to recommend for appointment as inspector general and submit the list to the Commission.

(ii) 1. If the Commission is unable to select an inspector general from the list prepared by the appointment committee, the appointment committee shall prepare one or more additional lists of recommended candidates as needed until the Commission makes a final appointment of an inspector general.

2. The additional lists prepared under this subparagraph may contain any number of candidates.

(5) (i) On completion of the final appointment of an inspector general, the appointment committee is terminated.

(ii) The Commission shall establish a new appointment committee whenever there is a vacancy in the position of inspector general.

(c) (1) The term of the inspector general is 5 years beginning on the date of appointment.

(2) An individual may not serve as inspector general for more than three terms.

(3) The inspector general may not participate in the merit system adopted by the Commission under Title 18, Subtitle 1 of this article, but:

(i) the inspector general may participate in any employee benefits program the Commission offers on the same terms and conditions as it is offered generally to an employee participating in the merit system; and

(ii) the Commission may offer to an individual appointed as inspector general any supplemental employee benefit programs the Commission determines are necessary to recruit and retain an employee who does not participate in the merit system.

(4) (i) The Commission may remove the inspector general by resolution adopted by the affirmative vote of not less than two of its three members from each county for neglect of duty, malfeasance, conviction of a felony, or other good cause.

(ii) Before the Commission may adopt a resolution of removal, the Commission or a designee of the Commission must hold a public hearing if the inspector general requests a hearing within 10 days after the inspector general receives notice of proposed removal from the Commission.

(5) The inspector general shall discharge the duties of office on a full-time basis and with no secondary employment of any nature during the inspector general's term.

(d) (1) Subject to budget authorization, applicable law, and the personnel regulations of the Commission, the inspector general may select as subordinate staff of the Office one or more:

(i) temporary term employees who do not participate in the merit system adopted by the Commission under Title 18, Subtitle 1 of this article; and

(ii) other employees who participate in the merit system.

(2) Notwithstanding any provision of the personnel regulations to the contrary, an auditor, an accountant, an investigator, or a similar professional employee appointed as subordinate staff of the Office shall be subject to dismissal by the inspector general only for neglect of duty, malfeasance, conviction of a felony, or other good cause.

(e) Subject to budget authorization and the applicable procurement regulations, the inspector general may retain consultants by contract.

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